

Message Text

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SS-15 NSC-05 PA-01 PRS-01 /135 W
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R 311544Z MAY 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 3347
INFO AMEMBASSY CANBERRA
AMEMBASSY THE HAGUE
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USOECD

USEEC

PASS TREASURY, FEDERAL RESERVE, AND COMMERCE

E.O. 11652: N/A
TAGS: EFIN, ECON, EWWT, OECD
SUBJECT: MAY 23-25 MEETING OF INVISIBLES COMMITTEE

REFS: A) OECD 09561, B) OECD 11325, C) OECD 10061,
D) OECD 04532, E) TIR/A(77)3, F) TOKYO 7154
1. SUMMARY. INVISIBLES COMMITTEE (IC) GAVE RELUCTANT
ASSENT TO PORTUGUESE REQUEST FOR DEROGATIONS TO BOTH
LIBERALIZATION AND CAPITAL CODES, BUT WILL REEXAMINE
THEM WITHIN A YEAR. EXAMINATION OF SWEDISH RESERVATIONS
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TO CAPITAL MOVEMENTS CODE (CMC) AND LONG-STANDING DERO-
GATION ON OUTWARD DIRECT INVESTMENT CONFIRMED CONTINUED
FUNDAMENTAL DISAGREEMENT ON "SCANDINAVIAN" VIEW OF
CAPITAL CONTROLS. IC MADE NO PROGRESS ON ARTICLES 9-10
QUESTION, BUT WORKING GROUP WILL TRY AGAIN IN JUNE.
REPORTS ON AUSTRALIAN AND NETHERLANDS RESERVATIONS WERE
FINALIZED. ACTION REQUESTED WITH RESPECT TO: (A) INFOR-

MATION ON US TREATMENT OF FOREIGN FISHING VESSELS; (B) ALLEGED US RESTRICTION ON JAPANESE INVESTMENT; (C) ARTICLES 9-10 AND (D) US MEMORANDUM FOR EXAMINATION OF US RESERVATION. END SUMMARY.

2. IC MET MAY 23-25, WITH MORNING OF FIRST DAY DEVOTED TO MEETING OF WORKING GROUP ON ARTICLES 9-10 (SEE PARA 10 BELOW). NEW SPANISH MEMBER (MORENO) AND SWISS ALTERNATE (RICHARD) ATTENDED FOR FIRST TIME, AND JAPANESE MEMBER (KATZUKAWA) ADVISED THAT THIS WOULD BE HIS LAST MEETING. THIS WAS ALSO LAST SESSION FOR SCHLEPEGRELL, SENIOR SECRETARIAT OFFICIAL DEALING WITH LIBERALIZATION CODES, WHO WILL RETIRE IN JUNE.

3. PARA 7 OF SUMMARY RECORD OF MARCH SESSION (TIR/M(77)2) WAS REVISED AT REQUEST OF US MEMBER TO INDICATE THAT IC DID NOT EXPLICITLY AGREE TO LEGAL SERVICE'S VIEW THAT NEW ZEALAND'S FOREIGN FISHING VESSEL TAX DID NOT CONTRAVENE CURRENT INVISIBLES CODE. RATHER, IC SIMPLY TOOK NOTE OF LEGAL SERVICE'S STATEMENT (WHICH WAS RECENTLY CIRCULATED AS ANNEX II TO TIR/M(77)2). ACTION REQUESTED: SUPPLY INFORMATION ON US TREATMENT OF FOREIGN FISHING VESSELS AS REQUESTED IN REF A AND IN OECD 37158.

4. IN DISCUSSING RECENT MEASURES AFFECTING LIBERALIZATION CODES, IC FOLLOWED NEW PROCEDURE SET FORTH IN DAF/INV/77/26 AND ADDENDUM 1, WHICH CLASSIFIES INFORMATION ON SPECIFIC COUNTRY MEASURES AS OFFICIAL LIMITED OFFICIAL USE

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SUBMISSIONS OR CONFIRMED OR NONCONFIRMED PRESS REPORTS. MAIN POINT OF INTEREST WAS DISCUSSION OF PRESS REPORTS OF UK RESISTANCE TO PROPOSED INVESTMENT BY HITACHI (JAPAN) FOR MANUFACTURE OF TELEVISION SETS IN ENGLAND. SECRETARIAT (HACKETT) POINTED OUT IMPORTANT TRADE POLICY CONSIDERATIONS INVOLVED AND SUGGESTED THAT CASES SUCH AS THIS MIGHT WELL BE JUSTIFIED, AS FAR AS CMC IS CONCERNED, BY REMARK 2 TO ITEM 1 OF ANNEX A (DIRECT INVESTMENT). HACKETT WENT ON TO SAY THAT THERE HAD BEEN REPORT OF SIMILAR DISCUSSIONS BETWEEN HITACHI AND USG OFFICIALS. US MEMBER SAID HE WAS NOT AWARE OF SUCH REPORT BUT WOULD SEEK INFORMATION. ACTION REQUESTED: PLEASE ADVISE. (WE UNDERSTAND REPORT IS CARRIED IN MAY 3 ISSUE OF JAPAN ECONOMIC JOURNAL WHICH SUGGESTS THAT USG TRADE OFFICIALS WERE UNHAPPY WITH PRACTICE OF JAPANESE COMPANIES BEING ESTABLISHED IN US FOR ASSEMBLY OF IMPORTED COMPONENTS AND WERE SEEKING TO DEFLECT ADDITIONAL SUCH PLANTS UNDER CONSIDERATION BY TOSHIBA, MITSUBISHI AND HITACHI.)

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5. OTHER MAJOR POINT OF INTEREST IN REVIEW OF RECENT DEVELOPMENTS WAS REPORTED EASING OF JAPANESE RESTRICTIONS ON CERTAIN INVISIBLES PAYMENTS (REF F). MEASURES NOT YET OFFICIALLY NOTIFIED. WHEN ASKED ABOUT REPORTS THAT GOJ MAY, IN ADDITION, FURTHER LIBERALIZE RESTRICTIONS ON CAPITAL MOVEMENTS, JAPANESE MEMBER SAID THAT, WHILE SOME POSSIBILITIES ARE BEING STUDIED, HE DID NOT FORESEE ANY STEPS AFFECTING JAPANESE RESERVATIONS TO THE CMC.

6. NETHERLANDS' RESERVATIONS TO CMC.
DRAFT REPORT ON EXAMINATION OF NETHERLANDS RESERVATIONS TO CMC, DAF/INV/77.22, WAS AGREED WITH A FEW CHANGES.
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7. DRAFT REPORT ON AUSTRALIAN RESERVATIONS, DAF/INV/77.23, WAS SIMILARLY AGREED BY IC, BUT AUSTRALIA REP (FROM PERMDEL) HAD NOT RECEIVED INSTRUCTIONS AND COULD NOT GUARANTEE THAT GOA WOULD BE ABLE TO ACCEPT REPORT IN THE COUNCIL WITHOUT FURTHER CHANGES.

8. PORTUGAL (SEE DAF/INV/77.20 AND CORRIGENDUM). IC CONSIDERED PORTUGUESE REQUEST FOR DEROGATIONS TO BOTH LIBERALIZATION CODES ON BASIS OF DRAFT IC REPORT ALREADY PREPARED BY SECRETARIAT, AS AGREED IN PREVIOUS MEETING (REF A). COMMITTEE MEMBERS WERE PREPARED TO BE HIGHLY SYMPATHETIC AND DID NOT SHARE SECRETARIAT'S CONCERN THAT EMBODIMENT OF RESTRICTIONS IN LAWS, E.G., FOREIGN INVESTMENT LAW (REF D) AND SHIPPING MEASURES (REF C), ENTAILED PERMANENT RESTRICTION AND, THUS, CONFLICTED WITH TEMPORARY NATURE WHICH DEROGATIONS ARE SUPPOSED TO HAVE. HOWEVER, IT BECAME APPARENT THAT EXACT NATURE, EXTENT, AND INTENSITY OF VARIOUS RESTRICTIONS ARE NOT CLEAR, AND THAT GOP (REPRESENTED ONLY BY MEMBERS OF PERMDEL) WAS UNABLE TO CLARIFY SITUATION OR TO GIVE ANY FIRM INDICATION OF DURATION OF INVESTMENT LAW. FURTHERMORE, WHILE PORTUGUESE MEMORANDUM SUMMARIZING SEVERITY OF GOP BALANCE OF PAYMENTS SITUATION PROVIDED SUFFICIENT JUSTIFICATION FOR DEROGATION ON MOST OUTWARD PAYMENTS, IT DID NOT PROVIDE ANY JUSTIFICATION FOR RESTRICTIONS ON INWARD PAYMENTS. GOP SHIPPING MEASURES WERE MATTER OF CONSIDERABLE INTEREST TO SOME MEMBERS, BUT, AGAIN, GOP REP WAS UNABLE TO PROVIDE MUCH INFORMATION BEYOND NOTING THAT DURATION OF ONLY 18-24 MONTHS ENVISIONED. UNDER THESE CIRCUMSTANCES IC DECIDED NOT TO PROCEED AS PREVIOUSLY PLANNED TO RECOMMEND "APPROVAL" OF DEROGATIONS FOR PORTUGAL. INSTEAD, IC WILL FORWARD A REPORT FRANKLY STATING ITS INABILITY TO REACH A CONSIDERED JUDGEMENT IN VIEW OF THE LACK OF INFORMATION AND THE UNLIKELIHOOD LIMITED OFFICIAL USE

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OF CLARIFICATION IN THE NEAR TERM. THUS, COUNCIL WILL BE ASKED TO REGULARIZE PORTUGUESE SITUATION BY GRANTING DEROGATIONS WITHOUT KNOWING EXACTLY WHAT THE RESTRICTIONS ARE AND WITHOUT NECESSARILY BLESSING ALL RESTRICTIONS. HOWEVER, IC WILL REEXAMINE PORTUGUESE CASE WITHIN TWELVE MONTHS, BY WHICH TIME EXISTING UNCERTAINTIES SHOULD BE CLARIFIED.

9. SWEDEN.

A. FOURTH EXAMINATION OF RESERVATIONS TO CMC (SEE DAF/INV/77.24).
IC CONSIDERATION OF LONG-STANDING, EXTENSIVE SWEDISH RESERVATIONS ON BOTH INWARD AND OUTWARD CAPITAL MOVEMENTS UNAVOIDABLY FOCUSED ON GENERAL CONSIDERATIONS WITH RESPECT TO THE EFFICACY OF CAPITAL CONTROLS, AS SWEDISH SYSTEM PRECLUDES, FOR THE MOST PART, GRADUAL MOVES TOWARD LIBERALIZATION. APART FROM OTHER SCANDINAVIAN MEMBERS AND ALTERNATES, IC, WITH VARYING DEGREES OF INTENSITY, DISAGREED WITH GENERAL SWEDISH ATTITUDE: THAT "FINANCIAL" CAPITAL TRANSFERS ARE NOT "GOOD", LIKE TRADE (AND CERTAIN "REAL" CAPITAL TRANSACTIONS); THAT INFLOWS, EVEN THOUGH AT THIS JUNCTURE DESIRED, STILL NEED TO BE SCRUTINIZED TO ENSURE A SUITABLE PATTERN; AND THAT CONTROLS ARE A USEFUL ADJUNCT TO DEMAND MANAGEMENT POLICIES. SWEDISH REPS FOUND JUSTIFICATION

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R 311544Z MAY 77
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BY ARGUING, FOR INSTANCE, THAT THEY HAD BEEN ABLE TO

PURSUE A MORE EXPANSIONARY POLICY OVER RECENT YEARS THAN WOULD HAVE BEEN POSSIBLE IN THE ABSENCE OF CONTROLS (US MEMBER REFRAINED FROM OBVIOUS RETORT). THEY ALSO REFUTED SUGGESTION THAT MAINTAINING EXTENSIVE CONTROLS, EVEN WHILE HAVING CONSIDERABLE RECOURSE TO FOREIGN BORROWING WHEN WARRANTED BY THEIR BALANCE OF PAYMENTS SITUATION, CONSTITUTED LACK OF RECIPROCITY (CLAIMING THAT RECIPROCITY SHOULD BE VIEWED MORE GENERALLY AS INCLUDING SUPPORT FOR OTHER COUNTRIES' EMPLOYMENT LEVELS THROUGH SWEDEN'S OWN STIMULATION PROGRAM). VERY CONSIDERABLE DOUBTS WERE EXPRESSED BY IC AT CITATION OF MONETARY POLICY CONSIDERATIONS AS SOLE REASON FOR RESTRICTING INFLOWS AND AS A MAJOR LIMITED OFFICIAL USE

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REASON FOR RESTRAINING OUTFLOWS. IT WAS POINTED OUT THAT, AS REGARDS PRIVATE CAPITAL INFLOWS, MONETARY POLICY IS PRESENTLY ORIENTED TOWARD ATTRACTING INFLOWS AND, IN ANY EVENT, ADDITIONAL INFLOWS WOULD BE UNLIKELY TO TAKE PLACE TO AN EXTENT AND IN A MANNER WHICH WOULD BE DISRUPTIVE TO MONETARY POLICY. AS FOR CAPITAL OUTFLOWS, MONETARY POLICY CONSIDERATIONS WOULD RARELY BE A VALID REASON. SECRETARIAT WILL HAVE DELICATE JOB OF DRAFTING REPORT WHICH CAN HARDLY AVOID STATING OR IMPLYING THAT SWEDISH SYSTEM IS BASICALLY INCOMPATIBLE WITH SPIRIT OF THE CAPITAL MOVEMENTS CODE. REPORT WILL PROBABLY TO SOME EXTENT CONSTITUTE OECD RECOMMENDATION TO GOS COMMISSION BEING ESTABLISHED TO CARRY OUT A GENERAL REVIEW OF SWEDISH FOREIGN EXCHANGE CONTROL SYSTEM. HOWEVER, IC REPORT UNLIKELY TO CONTAIN EXTENSIVE REBUTTAL TO SWEDISH POSITION, AS IC HAS ON ITS FUTURE AGENDA A GENERAL DISCUSSION ON THE ARGUMENTS ADVANCED BY SWEDEN. (SEE DAF/INV/77.28).
B. REQUEST FOR CONTINUED DEROGATION.

SWEDEN HAS INVOKED ARTICLE 7C (BALANCE OF PAYMENTS CONSIDERATIONS) SINCE 1969 TO COVER RESTRICTIONS PLACED ON OUTWARD DIRECT INVESTMENT. RESTRICTIONS CONSIST ESSENTIALLY OF REQUIREMENT THAT OUTWARD DIRECT INVESTMENT BE FINANCED ABROAD, ALTHOUGH INDUSTRIAL AND EMPLOYMENT CONSIDERATIONS MAY BE TAKEN INTO ACCOUNT, AND SWEDISH REP AGREED THAT ONCE BALANCE OF PAYMENTS DIFFICULTIES ARE OVERCOME, GOS WOULD BE ABLE TO LIFT DEROGATION. IC AGREED THAT SWEDISH BALANCE OF PAYMENTS POSITION WOULD JUSTIFY CONTINUED MAINTENANCE OF RESTRICTION. HOWEVER, CONCERN WAS EXPRESSED AT LONG-STANDING NATURE OF DEROGATION AND FAILURE OF SWEDEN TO REMOVE IT IN EARLY 1970'S. NEVERTHELESS, GIVEN SWEDISH UNDERTAKING TO REMOVE RESTRICTIONS AS SOON AS POSSIBLE, IC AGREED TO RECOMMEND CONTINUED DISPENSATION.

10. ARTICLES 9 AND 10 (NONDISCRIMINATION OBLIGATION
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OF OECD CODES AND EXEMPTION FOR SPECIAL CUSTOMS OR
MONETARY SYSTEMS).
WORKING GROUP (WG) MET AS SCHEDULED BEFORE IC PLENARY
IN ATTEMPT TO MAKE PROGRESS ON THIS QUESTION, USING AS
A BASIS OF DISCUSSION SECRETARIAT LEGAL
SERVICE'S (STEIN) SUMMARY OF VARIOUS MEMBERS' POLICIES
(DAF/INV/77.21). (US MEMBER'S COMMENTS ON THIS DOCUMENT
WERE CIRCULATED AS ADDENDUM TO IT.) LITTLE PROGRESS
WAS POSSIBLE AS LEQUAL SERVICE AND SOME MEMBERS OF WG

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WERE UNABLE TO AGREE WITH US MEMBER THAT NONDISCRI-

MINATION PRINCIPLE (ARTICLE 9) APPLIED TO ALL OPERATIONS
FALLING WITHIN CATEGORIES OF TRANSACTIONS LISTED IN
ANNEX A TO THE RESPECTIVE CODES, EVEN IF, FOR SOME
REASON OR OTHER, LIBERALIZATION OBLIGATIONS OF ARTICLE
2(A) DO NOT EXPLICITLY APPLY -- E.G., RECOURSE TO
PAYMENTS CHANNELS OR TRANSACTIONS REMOVED FROM THE
SCOPE OF ARTICLE 2(A) BY VIRTUE OF A LIMITING REMARK
TO AN ITEM IN ANNEX A. IN VIEW OF THIS DISAGREEMENT,
WG DID NOT PROCEED TO DISCUSS SCOPE FOR EXEMPTION
TO NONDISCRIMINATION OBLIGATION (ARTICLE 10) ON WHICH
WE REQUESTED INSTRUCTIONS IN REF B. WG WILL MEET
AGAIN ON JUNE 28. ACTION REQUESTED: RECEIPT BY
JUNE 24 OF REQUESTED GUIDANCE.
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11. SCHEDULED JULY SESSION OF IC CANCELLED IN VIEW OF
PRESSURE ON SECRETARIAT ARISING FROM OTHER MEETINGS
AND IMMINENT RETIREMENT OF KEY SECRETARIAT OFFICIAL
CONCERNED WITH IC. REVIEW OF US RESERVATION TO
CMC THUS POSTPONED
TO FIRST SESSION AFTER SUMMER BREAK, SCHEDULED FOR
OCTOBER 5-7. NEVERTHELESS, RECEIPT OF US MEMORANDUM
(PARA 11, REF A) IS REQUIRED BY MID-JUNE IN ORDER TO
COMPLY WITH IC'S NEW WORK METHODS.
KATZ

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